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March 25, 2025

BY ECF

Honorable Brian M. Cogan
United States District Court
225 Cadman Plaza East
Brooklyn, New York 11201

Re: United States v. Michael Vax
22 Cr. 324 (BMC)

Dear Judge Cogan:

I represent Michael Vax in this matter, as to which my client is directed to surrender to the Bureau of Prisons on March 28 to begin serving a 24 month term of incarceration imposed by this Court on January 13, 2025. I write to request a postponement of my client's surrender date to June 15, 2025 on the basis that (i) as of the present date, he has not been designated by the BOP to his assigned correctional facility; and (ii) his presence is needed at the construction site and religious ceremony which will mark the unveiling of a cemetery monument fabricated to occupy the gravesite of his mother and father in Brooklyn's Washington Cemetery, which project has been delayed to early June, 2025 by the cold winter experienced in the northeast this year. See the letter of March 6, 2025 and monument photographs, collective Exhibit A, recently received by Mr. Vax from Stone Tributes informing him of the earliest date the installation may occur. My client, despite the projected June date, remains hopeful that if the weather is particularly warm, it will be possible to move the project forward into May, 2025.

Mr. Vax further informs me that he needs to be personally present to supervise the transportation and setting into the ground of the monument, a matter which nobody in his family can manage, particularly now that his only sibling, his younger brother, Boris, is physically incapacitated with a particularly aggressive form of Parkinson's disease. He informs me the monument project is complex, especially because it includes the removal of the existing structures now occupying the site, and their replacement with the new monument. There will be matters to be decided based on the condition of the soil and the condition of the site upon removal of the existing structures that are not known without being present at the construction site while the work is being done, and making decisions at the worksite which will effect the final condition and appearance of the gravesite.

Should the Court wish to have additional information as to the specific reasons why Mr. Vax's personal presence at the erection of the monument and the unveiling ceremony is necessary, it is respectfully requested that the parties be permitted to appear before the Court so that Mr. Vax

may have the opportunity to explain the necessity of his presence more fully.

My client pled guilty in this matter on September 23, 2022 to a violation of the federal anti-kickback statute. He continues at liberty on bail conditions and residing with his wife in West Palm Beach, Florida pending surrender. He informs me he remains in full compliance with his release conditions.

For all of the foregoing reasons, it is respectfully requested that this Court grant the instant application to postpone my client's surrender to and including June 15, 2025. I wrote and email to AUSA Bodapati requesting the government's position but received an automatic reply indicating he is in trial and his responses to email will be delayed.

Thank you very much for your attention.

Respectfully Submitted,

Robert A. Soloway

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cc: AUSA Arun Bodapati
RAS:sc